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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,062	07/16/2001	Oscar Mora	38146	1261

29569 7590 01/08/2004

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EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/682,062

Applicant(s)

MORA, OSCAR

Examiner

Ashok B. Patel

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

1. Application Number 09/682, 062 was filed on 07/16/2001. Claims 1-12 are subject to examination.

***Drawings***

2. The drawings are objected to because the Detailed Description describes the reference characters 112, 116, 114a, 114b, 114n 118a, 118b, and 118n in Fig.1. See page 8. These reference characters are not present in Fig.1. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1- 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myer et al. (hereinafter Myer)(US 6,574,234) in view White (6,002,669).

**Referring to claim 1,**

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The reference Myer teaches networks including Ethernet networks with a plurality of control devices and having all control devices management functions executed by a computer means (Abstract). The reference also teaches the computer means sending a broadcast message and the control devices responding to the broadcast message. (col. 6, lines 55-67 and col.7, lines 1-9). The reference does not teach the control devices responding to the broadcast message on a unique time delay. The reference White teaches the control devices connected to the networks such as Ethernet (col. 1, lines 10-36, col. 3, lines 30-36 and 65-67) responding with a unique time delay. (Fig. 4 and col.4, lines 46-52). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to combine Myer with White because it would provide the network with collision avoidance mechanism resulting in minimal impact on information throughput as taught by White.

**Referring to Claim 2,**

The reference Myer teaches the controller and the computer means able to communicate over a variety of types of networks including Ethernet networks. (col.3, lines 8-11). The reference also teaches that the system is compatible with a wide variety of networking standards, thereby it teaches the systems using an Ethernet standard. (col. 4, lines 29-31).

**Referring to claim 3,**

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Myer does not specifically teach the computer means as being an 8-bit processor. The reference White teaches the effective network implementation with economical micro-controllers costing under \$1. (col. 3, lines 18-24). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Myer by employing White's low cost, 8 bit computer means rather than 32 bit, computer means because it would provide the low cost message providing efficient network for low cost applications as taught by White.

**Referring to claim 4,**

The reference Myer teaches the network having a hub. (Fig. 2, element 102, col.5, lines 31-33).

4. Claim 5-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myer et al. (hereinafter Myer)(US 6,574,234) and White (6,002,669) as applied to claims 1-4 above, and further in view of Flickinger et al. (hereinafter Flickinger)(US 4,354,226).

**Referring to claims 5 and 9,**

Keeping in mind the teachings of Myer and White, White teaches the sender's desired reply conditions indicated by a single byte that includes the codes including acknowledge after delay (Abstract, col. 7, lines 4-8 and col. 8, lines 65-67 and col. 9, lines 1-39) and, MAC address priority resolution and collision avoidance with minimal impact on packet throughput. (col. 3, lines 30-36). Thus, White teaches the use of byte

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(response byte) as a means to provide the controller with different types of acknowledgements including delayed acknowledgement in response to a broadcast message by the plurality of control devices. White fails to teach the use of the response byte as a counter to implement the delay in responding to the controller. Flickinger teaches the use of a specific byte as a counter which can be reset. (col. 6, lines 54-56). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Myer and White by employing Flickinger's technique of using the specific byte or bytes of MAC addresses of the control devices as counters to delay the responses by the control devices, in this case only the fourth byte or the fourth, fifth and sixth, because it would provide the network with collision avoidance mechanism resulting in minimal impact on information throughput as taught by White.

**Referring to claims 6 and 10,**

Keeping in mind the teachings of Myer, White, and Flickinger as indicated for the claims 5 and 9, in addition the reference Flickinger also teaches that the control byte used as a counter is reset to 0 each time the frame is transmitted by the box (controlled device.) (col.6, lines 51-56). Thus, the reference teaches that the counter byte is resettable to its original value if it is used as a counter that reaches zero. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Myer and White by employing Flickinger's technique of using the specific byte or bytes, in this case only the fourth byte or the fourth, fifth and sixth, of MAC addresses of the control devices as counters which can be reset to their original value before the

counter bytes begin counting down to a certain value, in this case it very well be zero, to delay the responses by the control devices. Counter byte resetting to their original value is a must because the control devices are identified by their respective MAC addresses by computer means.

**Referring to claims 7, 8,11 and 12,**

Keeping in mind the teachings of Myer and White as above, in addition the reference White teaches the byte of the message by the sender includes the information that contains the sender's desired reply conditions (col.7, lines 4-8) and, that the sender expects the proper response to complete the message transaction. Also, the sender byte provides the codes for the response such as "Acknowledgement After Delay". (col.8, lines 64-67 and col.9, lines 1-39). Thus, the reference teaches that the sender's message is providing the necessary parameters for the control device's response for delaying the acknowledgement. White fails to teach the use of the response byte as a counter to implement the delay in responding to the controller. Flickinger teaches the use of a specific byte as a counter which can be reset. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Myer and White by employing Flickinger's technique of using the specific byte or bytes, in this case only the fourth byte or the fourth, fifth and sixth, of MAC addresses of the control devices as counters which can be provided with White's parameters in the broadcast message to set the desired time increments for delay and, depending upon the desired delay by the broadcast message the specific number of bytes are used as

the counter. Because, by providing the reply conditions in message provides communications reliability and flexibility in wide array of devices as taught by White.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (703) 305-2655. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Abp  
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